

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/725,623

1st Named Inventor : Kamrava

Filed : December 1, 2003

Docket No. : 5603.P001X2

Confirmation No. : 4992

Art Unit : 3772

Examiner : Nguyen, Camtu Tran

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Non-Compliant Appeal Brief mailed 7/2/10, the Applicants respectfully submit the following remarks.

CERTIFICATE OF SUBMISSION/TRANSMISSION (37 CFR 1.8a)

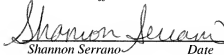
I hereby certify that this correspondence is, on the date shown below, being:

EFS WEB

FACSIMILE

☒ submitted electronically via EFS Web to the
Patent and Trademark Office.

☐ transmitted by facsimile to the Patent and
Trademark Office.


Shannon Serrano

8/2/10
Date

REMARKS

The Notice of Non-Compliant Appeal Brief has only one box checked to indicate that the brief allegedly does not contain a correct copy of the appealed claims as an appendix thereto. Also, the Notice of Non-Compliant Appeal Brief has a note stating that the Claims Appendix does not match the claims identified in the last entered amendment.

Applicants phoned S. Saunders-Cobb and Q. Gould, Paralegals listed on the Notice of Non-Compliant Appeal Brief, and left messages stating that Applicants believed the Notice of Non-Compliant Appeal Brief was in error. Applicants explained that the claims in the Claims Appendix of the Appeal Brief appeared to be identical to the claims in the Response mailed 9/9/09 to the Office Action mailed 6/9/09.

On August 2, 2010, Applicants received a voicemail from Mel Cashin at the Board of Appeals Office. The voicemail stated that the Notice of Non-Compliant Appeal Brief would be vacated due to the error by the USPTO and no response would be required.

Accordingly, Applicants respectfully request reconsideration of the Notice of Non-Compliant Appeal Brief on the grounds that the reason for the Notice of Non-Compliant Appeal Brief appears to be in error, since the claims in the Claims Appendix of the Appeal Brief appear to be identical to the claims in the Response mailed 9/9/09 to the Office Action mailed 6/9/09.

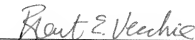
The Applicants respectfully petition for an extension of time to respond to the outstanding Notice of Non-Compliant Appeal Brief should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension, as well as any other shortage.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 8/2/10

By



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